

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 17 2006

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ORLANDO MORENO,

Defendant - Appellant.

No. 04-50488

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

D.C. No. CR-03-00060-JM

MEMORANDUM^{*}

Appeal from the United States District Court
for the Southern District of California
Jeffrey T. Miller, District Judge, Presiding

Submitted March 8, 2006^{**}

Before: CANBY, BEEZER, and KOZINSKI, Circuit Judges.

Orlando Moreno appeals from the 108-month sentence imposed following his guilty plea conviction to conspiracy to possess and possession of cocaine with

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

intent to distribute on board a vessel, in violation of 46 U.S.C. § 1903(a)(j). We have jurisdiction pursuant to 28 U.S.C. § 1291.

We remand to the sentencing court for further proceedings consistent with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc). *See United States v. Moreno-Hernandez*, 419 F.3d 906, 916 (9th Cir. 2005).

REMANDED.